IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLN.NO.1194 OF 2007

Shri.Prashant @ Babu Shivaji Savardekar ..Applicant

Vs.

State of Maharashtra ..Respondents

...

Mr.Sanjeev P.Kadam Advocate for Applicant
Mr.V.B.Konde-Deshmukh A.P.P. for the State

...

CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : APRIL 11, 2007

P.C.

1. Heard the learned advocate for the applicant and the learned A.P.P. for the State.

2. The applicant is seeking bail in C.R.No.258 of 2006 of Kasturba Marg Police Station, Borivali (E) Mumbai. The said case is mainly under Section 376 of IPC.

3. It is the prosecution case that there was love affair between the prosecutrix and the present applicant. On account of love affair, the prosecutrix and the applicant indulged in sexual intercourse. However, though the prosecutrix was

over 15 years of age, she was below the 16 years at the time of the incident and hence, the case came to be registered under Section 376 of IPC. The prosecutrix was 15 years and 9 to 10 months old at the time of incident. The material on record prima facie, shows that it was a case of consent. The prosecutrix is born and brought up in Mumbai and she was a college going girl. Prima facie it appears that she was well aware of the nature and implication of her act. Looking to all these facts, I am inclined to grant bail.

4. The applicant to be released on bail in the sum of Rs.15,000/- (Rs.fifteen thousand only) with one or two sureties to make up the said amount in C.R.No.258 of 2006 of Kasturba Marg Police Station Borivali (E), Mumbai. The applicant shall report to the concerned police station once in a month till the conclusion of trial.

5. Application is disposed of.

[Smt.V.K.Tahilramani, J.]